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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 9 January 2004 from the Permanent Mission of Albania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Albania to the United Nations presents its compliments to the Chairman of the Committee and, upon instructions from the Government of the Republic of Albania, has the honour to transmit the attached implementation report, called for in paragraph 6 of resolution 1455 (2003) (see annex).

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Annex to the note verbale dated 9 January 2004 from the Permanent Mission of Albania to the United Nations addressed to the Chairman of the Committee

REPUBLIC OF ALBANIA

IMPLEMENTATION REPORT, CALLED FOR IN PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1455

Background information

Albania continues its active cooperation with the Committee established pursuant to resolution 1267 (1999) and is committed to fulfil its international obligations in compliance with the above mentioned resolution and the other ones, which followed it.

Albania strongly supported the adoption of UNSC resolutions concerning the fight against terrorism and in particular resolutions 1368, 1373, 1377, which declare terrorism as a threat to peace and international security. In this context, Albania declared its support for the US and British attacks directed against terrorist bases and their infrastructure in Afghanistan and against the Taliban regime that supported terrorism.

Currently Albania is a party of the following international relevant acts against terrorism:

1. Montreal Convention on the Suppression of Unlawful Acts Against the Safety of Civil Aviation, accession by Law no. 8197, date 6.3.1997, has entered into force for the Republic of Albania on 20 November 1997.

2. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14.9.1963, accession by Law no. 8197, date 6.3.1997, has entered into force for the Republic of Albania on 1 March 1998.

3. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16.12.1970, accession by Law no. 8197, date 6.3.1997, has entered into force for the Republic of Albania on 20 November 1997.

4. International Convention on the Suppression of Terrorist Bombings has entered into force for the Republic of Albania on 21.02.2002.

5. Convention on the Prevention and the Punishment of Crimes against Internationally Protected Persons, included Diplomatic Agents, has entered into force for the Republic of Albania on 21.02.2002.

6. Convention Against the Taking of Hostages has entered into force for the Republic of Albania on 21.02.2002.

7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, entry into force in September 17, 2002)

8. Protocol for the Suppression of Unlawful Acts against the safety of Fixed Platforms Located on the Continental Shelf, entry into force in September 17, 2002).

9. Convention on the Physical Protection of Nuclear Material, 5 April 2002 the date of its entry into force for the Republic of Albania.

10. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 29 May 2002 its entry into force for the Republic of Albania.

11. International Convention for the suppression of the Financing of Terrorism, (entry into force for Albania – 10 May 2002).

12. Convention on the Marking of Plastic Explosives for the purpose of detection, Montreal on 1 March 1991 (approved by the Albanian Assembly- its instrument of accession will be deposited in a few days with the Secretary General of the International Civil Aviation Organization).

13. European Convention on the Suppression of Terrorism concluded at Strasbourg on 27 January 1977, (entry into force for the Republic of Albania on 22.12.2000.

14. The European Convention on extradition and its additional protocols, entered into force on 17.8.1998.

15. The European Convention on mutual assistance in criminal matters, and its additional protocols.

16. The European Convention on the transfer of proceedings in criminal matters, entered into force on 5.7.2000.

17. European Agreement on Transmission of Application for Legal Aid (ratified 2001).

18. European Convention on Money Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ratified 2000).

The following conventions have been signed:

1. International Convention on Cyber Crime (signed 2001);

2. Second Additional Protocol of European Convention on Mutual Assistance in Criminal Cases (signed 2001);

3. Additional Protocol of European Agreement on Transfer of Procedures of Criminal Cases (signed 2001).

The Government of Albania frequently has asked all banks and financial institutions operating in Albania to check and report on accounts, if any, of persons included in the consolidated list. This list has been made available to the banks so they can identify and freeze possible banking assets of these individuals deposited with the banks in Albania and can report immediately if these people open new accounts.

Within the framework of prevention of money laundering, the Ministry of Finances has intensified its contacts with homologue foreign institutions, as well as with international organizations. Persistently, a lot of information on this matter have been exchanged with the American Department of Treasure, and also Greek, Croatian, Dutch, Luxembourg, Bulgarian, Turkish, Italian, Hungarian homologue units. The Ministry of Finances (Department of Coordinating the Combat Against Money Laundering) has signed agreements for cooperation with the Slovenian homologue unit and it's about to sign similar agreements with Bulgarian, Turkish, Croatian, Italian and Luxembourg homologue units.

Furthermore, the Ministry of Finances (Department of Coordinating the Combat Against Money Laundering) it's on the point of becoming member to the EGMONT -Group, which can fundamentally facilitate the exchange of information with more than 69 members of the group.

Department of Coordinating the Combat Against Money Laundering within the Ministry of Finances actively cooperates with the regional SECI Center situated in Romania.

During their activity for the prevention and detection of possible terrorist acts the police forces have been in regular contact with the police of other countries on a direct basis or through INTERPOL. The Office of the Attorney General has cooperated with the counterpart authorities of other countries, especially during 1997 and 1998, for the identification, extradition, and deportation of some Arab citizens of Egyptian origin, who were suspected of or wanted for their involvement in terrorist activities. There were four such cases in 1998. In addition, the Albanian authorities have cooperated with the Egyptian authorities to arrest two other Egyptian citizens in Albania.

The Republic of Albania is also contributing to the international and regional cooperation in the fight against terrorism and organized crime. This participation has been institutionalized in the OSCE (participating in the Action Plan against Terrorism approved in the Bucharest Summit, 2001) and in some regional initiatives such as South-East Cooperation Process (SECI), Organization of the Black Sea Co-operation (BSEC), Adriatic and Ionian Initiative (AII), Central European Initiative (CEI), South-Eastern European Cooperation Process (SEECP) etc, by cooperating in the working groups set up for this purpose as well as by supporting the relevant approved declarations and documents.

It is also worth mentioning that Albania is contributing to the Center against Organized Crime in Bucharest (SECI). Part of Albania's cooperation with other countries in the fight against organized crime and trafficking is also the establishment of the "Center of the Fight Against Illegal Trafficking" in Vlore, in co-operation with Italian, German and Greek Governments, which tasks comprise among others the prevention and detection of terrorist elements.

Following previous concrete steps of the Albanian specialized bodies and the close co-operation with relevant US Authorities that resulted in the past in the identification and expulsion of 10 presumed extremist elements from the Albanian territory the National Service of Intelligence, the Ministry of Public Order and the Office of the General Prosecutor elaborated a set of measures aimed at bolstering counter terrorist activities. All Islamic charity organizations existing in the country are in this context carefully monitored and checked.

On October 6, 2001, Albanian Minister of Public Order, following intense cooperation with relevant foreign specialized bodies, issued Order No. 1560 expelling from the Albanian territory 5 suspected foreign citizens that meantime resided in Albania, and notified a number of others the order to leave the Albanian territory.

In December 2001 the Albanian authorities in cooperation with partners from USA and Turkey opened a criminal proceeding against a foreign citizen accused of money laundering.

A series of measures have been taken in the implementation of the law for foreigners. The cooperation with international partners, such as USA, Italy, France, Israel, etc, is increasing. Instructions were given to the Embassies staff, as well as to the foreign citizens, that can be targets of terrorist attacks. Additional measures were taken to protect the main state institutions, improving at the same time the rules and the regime of entries to these institutions.

Clear instructions were given to all the police structures, especially to the border police regarding procedures and actions in case of identification of dangerous foreign citizens, or when there are information's and suspicions about them.

In the framework of the bilateral cooperation with foreign countries, "The Agreement between the Government of the Republic of Albania and the Government of Romania on Cooperation in Fight against Terrorism, Organized Crime, Illicit Traffic in Narcotic Drugs and Psychotropic Substances and other Illegal Activities" was ratified in 03.10.2002, while "The Agreement between the Government of the Republic of Albania and the Government of the Republic of Slovenia on Cooperation in Fight against Terrorism, Illicit Traffic in Narcotic Drugs and Organized Crime" was ratified in 01.10.1998.

I. Introduction

1. Please provide a description of activities, if any, by Osama bin Laden, al-Qa`idah, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

During the recent year in the territory of the Republic of Albania there was only one case related to activities of Osama bin Laden, al-Qa`idah, the Taliban and their associates. The Foundation "Al-Haramain" which had its headquarter in Riad, Saudi Arabia, started to operate in the territory of the Republic of Albania on December 12, 1993 by the decisions taken from the Council of Ministers no. 413 on August 17, 1993 and from the Local Court of the Tirana City no. 11 on December 20, 1993. After verifications from the Albanian specialized agencies and institutions this foundation has been found in the Executive Order Nr. 13224 issued by the US President which asked for freezing of the assets and transactions of individuals and entities related to the terrorist activities. Based on this Executive Order and the information/confirmation by the Albanian specialized authorities that the said Foundation has been linked and has supported the terrorist activities of the Osama bin Laden, al-Qa`idah, the Taliban and their associates, the Ministry of Finance of the Republic of Albania issued the Order Nr. 9/1 on March 18, 2003 by which all the assets, bank accounts of the said Foundation must be frozen, all its activities must be

closed and all the international staff that worked for it must be deported/leave Albania as soon as possible. As the result of the implementation of this Order all the accounts and assets of the Foundation are frozen; all its activities are shut down; all the international staff left Albania.

Regarding the activities of the said Foundation in other neighboring countries, we do not posses any information.

II. Consolidated list

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure including financial supervision, police, immigration control, customs and consular authorities?

There is a systematic control for foreigners that enter Albania based on the Law for Foreigners No. 8492 on May 27, 1999. According to this Law (art. 4, para. 3,4,6; art.5 para. 1,7) visa and entry into the country shall be denied to foreigners if there is available information that they belong to criminal/terrorist groups or organizations or that they are engaged in those activities, in illegal trade in arms and weapons, as well as illegal traffic of narcotics and psychotropic substances and of raw materials for production thereof. The National Intelligence Service is responsible for receiving such information and adequately providing it to the national entry points' immigration authorities about individuals on the consolidated list. The Border Control System has an updated list of persons included in the consolidated list and the National Service Border Police has full power to stop and detain any of them as they arrive at the border checkpoint. Immediately after the Border Police should inform the specialized agencies and institutions for further investigation.

The Ministry of Foreign Affairs is responsible, and has done so far, to distribute the updated UN Consolidated List to all relevant National Institutions and Agencies related to the issue.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

Due to the cooperation among relevant national institutions and their collaboration with their counterparts in the different countries, we do not have experienced so far any problem/difficulty on identification and verification of the personal data of the individuals and entities that are currently included in the List seeking to extend their activities in our country. Documents in Arabic may arise difficulties during data verification process and the Border Police continuously has been worried about.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

There are identified 5 suspicious individuals; they are expelled from Albania. On the other side there are frozen the banks' accounts and assets of a foreign foundation and of one foreign citizen. All the international staff belonging to that foundation has been deported from territory of the Republic of Albania. The Albanian National Bank and the National Intelligence Service have no additional information which could be added to the existing list.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or al-Qa'idah that have not been included in the list, unless to do so would compromise investigations or enforcement actions.

No data is available on such individuals.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.

No lawsuit has been brought or legal proceedings initiated against the official authorities in Albania.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

On October 6, 2001, Albanian Minister of Public Order, following intense cooperation with relevant foreign specialized bodies, issued Order No. 1560 expelling from the Albanian territory 5 suspected foreign citizens that meantime resided in Albania, and notified a number of others the order to leave the Albanian territory.

No information is available about individuals not already included in the list.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting al-Qa'idah members in carrying out activities inside your country, and to prevent individuals from participating in al-Qa'idah training camps established in your territory or in another country.

There are no reported cases on Albanians or foreign nationals resident in Albania that belong to the terrorist organizations or engaged in their activities. Nevertheless the National Institutions (Ministry of Public Order, Ministry of Finance, Ministry of Defense, Ministry of Local Government and Decentralization, etc) and Specialized Agencies (National Intelligence Service, etc) in accordance with their legally prescribed tasks and duties are frequently undertaking routine and specialized operational monitoring and controlling over the suspected individuals and entities in order to avoid them from being involved in the terrorist activities within and outside the national territory.

II. Financial and economic asset freeze

Under the sanctions regime (paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

9. Please describe briefly:

• The domestic legal basis to implement the asset freeze required by the resolutions above.

Among the legal provisions, which enable the freezing of funds and economical resources that are (suspected to be) used for financing terrorist activities, are those of the law no. 8610, on 15.05.2000 *"On money laundering"* as well as the provisions of the Law *"On banking system in the Republic of Albania"*.

According to the Law "On Banks in the Republic of Albania", articles 55, 56, banks are obliged to ban transactions in money or other properties deriving from criminal activities or which are intended to cover the illegal origin of the property.

• Any impediments under your domestic law in this context and steps taken to address them.

At present, no barriers have been identified in the course of implementation of the legislative framework. As we are involved in the process of stabilization and association with the European Union, the Albanian Government is committed to review its whole legislation in order to bring it in line with the EU standards, thus we expect to better address the issues regarding prevention and fight against international terrorism.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, al-Qa`idah or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

Please refer to the pages 1,2,3,4 and 5 of this report.

11.Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of al-Qa`idah or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Please refer to the point 9 of this report.

Provisions of law no. 8365, on 02.07.1998 "On Banks in the Republic of Albania":

Article 44/2.

Article 45/3.

For monitoring the suspicious transactions, the Assembly of the Republic of Albania has enacted the law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering". The following articles of the law are considered as the most important in the combat against terrorist activities:

Article 4 - "The Procedures of Identification".

Article 5 "Reporting to the Responsible Authority".

Article 6 "The Obligations of the Entities", article 7 and article 8 "The Duties of the Responsible Authority" of this law provide monitoring of the suspicious transactions.

Other legal provisions on monitoring the suspicious financial transactions, in addition to those mentioned in the Report of the Albanian Government dated 27.12.2001, are included in the provisions of law no. 7764, dated 02.11.1993, "On the Foreign Investments".

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This

list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002).

Following careful investigation of this matter several bank assets, belonging to one foreign citizen and one foreign foundation, suspected to be affiliated with terrorist organizations were frozen. Also, in this field of action some immovable properties were put under pre-emptive juridical sequester.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa`idah or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

The Albanian authorities have not released any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa`idah or the Taliban or associated individuals or entities.

14. Pursuant to resolution 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

• The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of al-Qa`idah or the Taliban. This section should include an indication of the types of institutions informed and the methods used.

During this process of control and verification, the Department of Coordinating the Combat Against Money Laundering cooperates closely with the police, the banking system, the intelligence service, the judiciary and the tax and customs authorities at a national level. In addition, efforts are being made to cooperate with the international agencies in the field of exchanging information and coordinating the operations for the seizure of people involved in terrorism and for the confiscation of their wealth.

The Money Laundering Department within the Ministry of Finance is entitled to issue the inspection order for a suspicious individual or entity based on the information received from the National Intelligence Service or another institution. Following the order, the Albanian National Bank which supervises all second level banks, distributes within the banks' network, without delay, enquiries regarding the

existence of accounts opened and transactions of monetary funds linked with the persons designated in the said lists. The National Bank, within a short period of time must receive adequate information from the other banks related to the operations and outstanding balance on accounts of clients of the banks. This procedure has been settled on in the Banking Act of the Republic of Albania. As soon as the information from the banks has been verified from the competent institutions and agencies, it must be submitted within a short period of time to the Prosecutor's Office for further interpretation and action.

A team of professional experts from the Ministry of Finances, Ministry of Justice, Ministry of Public Order, Bank of Albania and General Prosecution Office aiming at further compliance of national legislation with the international conventions, resolutions and special recommendations on the combat against terrorism financing have recently compiled 3 draft laws, as follows:

Draft law "On some additions and changes of law no. 8610 of 17.05.2000 - On Prevention of Money Laundering".

Draft law "On some additions and changes of law no. 7895 of 27.01.1995 – Criminal Code of the Republic of Albania".

Draft law "On some additions and changes of law no. 7905 of 21.03.1995 – Criminal Procedural Code of the Republic of Albania.

Furthermore, a Memoranda of Understanding (On the inter-institutional cooperation on the combat of prevention of money laundering), has been signed between the Ministry of Finances, Ministry of Public Order, General Prosecution Office, Bank and Albania and State Information Service.

• Required bank reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.

No data available on the matter.

• Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.

According to the Law No. 8610 on May 17, 2000 on the "Prevention of the money laundering":

Article 3

Subjects

"Subjects": are the natural or legal persons provided for by

the Civil Code of the Republic of Albania, which for the purpose of complying with this Law and other by-laws, perform the activities defined by it.

Such subjects are the following:

a) banks and subjects licensed by the Bank of Albania which perform banking and financial activities;

b) foreign exchange offices;

c) stock exchange;

ç) investment funds;

d) insurance companies and/or re-insurance and other legal agencies that exercise insurance activity and /or reassurance, authorized by the of Supervising Insurance Commission;

dh) institutions responsible for the privatization process;

e) postal services and other intermediaries which perform payment services;

ë) gambling clubs or casinos;

f) certified public accountants;

g) every natural and legal person whose business is related to:

the trading of means of transport;

transport and forwarding (shipping) activities;

the trading of precious and antique things;

the evaluation of real estate;

the administration of a third party property;

the trading activity with the precious metals or stones;

the travel agencies;

gj) attorneys, notaries and representatives with power of attorney;

h) tax and customs authorities;

i) affiliates, branches, agencies or representative offices of a foreign company in and out of the territory of the Republic of Albania;

j) offices that evidence the conveyances or alienation of the property.

Article 4

Identification Procedure

All the subjects of this Law should identify the customers

before making a transaction over the amounts defined in

Article 5 of this law. The subjects should identify the customers even in cases when money laundering is pre-informed, obtained through criminal activity, even when the amount of the transaction is below the thresholds defined in Article 5 of this Law. Customer identification by the subjects, is performed by registering and recording the following information in a special file:

a) For the natural non business person (individuals):

name, surname, date of birth, place of birth, his temporary and permanent address, as well as type and number of the official ID card and the issuing organisation, as well as all changes made up to the moment of performing the transaction.

b) For the natural business person:

name, surname, number and date of the Court decision to perform his business activity, tax identification number and the issuance date by the taxation authorities for performing the activity as well as all changes made, up to the moment of performing the transaction.

c) For the juridical person:

name, number and date of the Court decision with respect to its registration as a legal person, tax identification number issued by the taxation authorities for performing the activity, temporary and permanent head office, nature of the business and the purpose, type, date, amount and the currency of the transaction, as well as all changes made, up to the moment of performing the transaction.

ç) For the legal representative of the customer:

name, surname, date and place of birth, official ID number and the issuance institution, proof of power of attorney granted to him to act on behalf of the customer as well as all changes made, up to the moment of performing the transaction.

For the purpose of this Law and other by-laws, the "Responsible Authority" will determine the form and procedure of recording the data.

Identification documentation of all the customers should be in original and is valid within the term of its legal validity. If the amount is not declared at the time the transaction is performed, the above subjects have to identify the customer, as soon as the amount is declared.

All the customers requiring to make a transaction of an amount greater than the one defined in Article 5 of this Law, shall provide a declaration on the final beneficiaries of the fruit of ownership, the source, nature and the income benefited from currency circulation, excluding payments made with respect to social security.

Article 5

Reporting at the Responsible Authority

The subjects of this Law shall record all customers' transactions in cash of amounts greater than 2.000.000 (two million) Lek or the counter value in foreign currencies.

After recording the transaction, in case rational suspicion for money laundering arises as defined under this law, the subject shall report to the Responsible Authority not later than 48 hours.

The subjects of this Law, shall report to the Responsible Authority all transactions in cash and/or transfers of funds for amounts greater than 70.000.000 (seventy million) Lek or the counter value in foreign currencies.

The subjects of this Law, shall report to the "Responsible Authority" all customers' transactions exceeding the amount of 2.000.000 (two million) Lek or the counter value in foreign currencies in cases when they discern:

a) abnormalities in customer transactions defined in the Article 2 item 1, especially in deposits, transfers and/or currency exchanges, as well as the issuance of negotiable instruments (check, bill and promissory note);

b) unjustified, complex and unusual circumstances in the transactions;

c) transactions that do not appear to have a legal or economic justification;

ç) information that the funds are derived from criminal activity;

d) suspicions of money laundering that arise after the transaction has been performed and any other case not provided above, when elements of committing the penal offense of money laundering exist.

The Subjects of this Law should notify the Responsible Authority when they come into possession of information that either confirms or negates the suspicion.

Information to the Responsible Authority is given only by the Administrators, officials or authorized personnel of the subjects.

For the purpose of this Law and other by-laws, the Responsible Authority will determine the form and procedure of investigating and reporting the information.

• Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.

According to the Law on Money Laundering, the Ministry of Finance has the power to issue the license for persons that are not banks but are involved in extraction, processing and transactions in precious metals and stones. They have to comply with requirements set in the law and when importing and exporting precious metals and stones, these must be declared before the customs authorities.

• Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — *hawala*, as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.

In addition to the provisions of the Law on Money Laundering, non-profit organizations are also obligated to respect during their activities the Law No 8788 on May 7-th 2001 "On non-profiting organizations". They must upgrade their internal rules by adding measures against financing of terrorism. Currently no regulatory mechanism for alternative payment systems such as *hawala* has been developed.

IV. Travel ban

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

The entry, residence and the exit of any foreign citizen in Albania is regulated under the provisions of the Law "On foreigners" No.8492, on May 27,1999. The entry is controlled both by the Ministry of Foreign Affairs and the Ministry of Public Order, whereas the Ministry of Public Order controls residence and exit. The terms and procedures are prescribed in the Law on Foreigners in the Republic of Albania and the travel bans are determined in article 4, paragraph 3,4,5,6,7 and in article 5.

The principles of the regime of prohibitions related to the denial of visa, of entry into or exit from this country including relatives to individuals designated in the consolidated list, are:

Article 4, paragraph 1and 6 — activities of individuals whereby the security of interests of the Albanian State are endangered.

Article 4, paragraph 3 — information that the individuals belong to criminal groups or organizations or that they engage in terrorist activities,

Article 4, paragraph 7- information that the individuals are smuggling or engaged in illegal trade in arms

Article 5, paragraph 10 — the individuals have attempted to enter this country or to transit through it using false or forged documents.

Article 4, paragraph 3 and 6 — the individuals have been included in the information database of foreigners undesirable (including those belonging to the consolidated list according to Security Council resolution 1455 (2003)) in this country maintained by the Ministry of Public Order and the Ministry of Foreign Affairs.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The Ministry of Foreign Affairs distributes the updated consolidated list in regular bases to the specialized institutions such are Ministry of Public Order, National Police, National Intelligence Service, Ministry of Finance and General C.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

Immediately upon receipt from the SC Committee, each list of individuals on the updated consolidated list is entered into the Border Control System,

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No individuals belonging to the consolidated list have been detected at any of Albania's border checkpoints so far.

19. Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

Individuals designated in the consolidated list are entered into the restrictive database of undesirable foreigners. Under the procedure of article 15 of the Law on Foreigners in the Republic of Albania the Head of the Consulate Office has to ask the Ministry of Foreign Affairs for the permission for issuing the entry visa in Albania for every foreigner that wants to visit Albania for an unofficial purpose. On the other side, before issuing the permission, the Ministry of Foreign Affairs consults with the Ministry of Public Order taking into account the consolidated list as well. So far we did not identify any visa applicant whose name appears on the list.

V. Arms embargo

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

The legal provisions related to selling, possessing, producing, transporting and storing of weapons are provided by the Criminal Code of the Republic of Albania.

The article 234 of the this law provides that: Producing, storing, transporting of military, chemical, biological, nuclear weapons which have poisonous or explosive base, with the intent of committing acts of terrorism, is sentenced from five to fifteen years of imprisonment.

(a) Article 278 Penal Code

Manufacturing military weapons and ammunition, bombs and mines, without the permission of competent state bodies, is sentenced from five to ten years of imprisonment.

Holding, buying or selling weapons, bombs or mines without the authorization of state competent bodies, is sentenced to a fine or up to seven years of imprisonment.

Holding bullets of light military weapons without the authorization of state competent bodies constitutes criminal contravention and is sentenced to a fine or up to one year of imprisonment.

When the same act is committed for big quantities, in co-operation, more than once, or resulted with grave consequences, is punishable with imprisonment by five to fifteen years.

Penal Code, Article 278/a, provides another provision related to the prevention of weapon transporting and international commerce of weapons.

This provision provides that:

- importing, exporting, transition and trading with military weapons and military ammunition in contravention with the law, aiming material, or other benefits is punishable by seven to fifteen years of imprisonment.

-The same act, when committed in co-operation, more than once, or led to grave consequences, is punishable by ten to twenty years of imprisonment.

Law no. 7566, (25.05.1992) On weapons, ascertains what is considered a weapon, who is entitled to be in posses of it etc.

Law no. 8388, (05.081998), On aggregation of weapons and ammunition from civil population, provides the legal ground on weapon aggregation from the hands of civil population.

With regard to the legal provisions on international trading of weapons, on selling, possessing, manufacturing, transporting etc, the Albanian Government refers with respect to all the UN General Assembly Resolutions, related to weapon embargoes and restrictions.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of al-Qa`idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

Albanian legislation does provide any specific clause concerning the prosecution of the violation of the arms embargo. However, the relevant UNSC resolutions are applicable by the Albanian institutions.

Within the meaning of the Penal Code, when acts have been committed as follows:

Article 233 incriminates engagement in foreign trade in potential dual-use goods and technologies without the respective permit; potential dual-use goods and technologies which have been the object of crime are subject to confiscation in favor of the State.

Article 337 (trade, import, export without permit or at variance with the issued permit of explosives, firearms, chemical, biological or nuclear weapons or ammunition). Article 339 (acquisition, holding, transfer without permit of explosives, firearms, chemical, biological or nuclear weapons or ammunition).

Article 242, paragraph 1.d (qualified smuggling on cross-border traffic without the knowledge and permission of customs authorities of high-impact or toxic substances, explosives, arms, ammunition, nuclear materials, installations or other sources of ionizing radiation).

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of al-Qa`idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

We do not have arms broker licensing system.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of al-Qa`idah organization and the Taliban and other individuals, groups, undertakings and entities associated?

Albania has only one export licensed company that exists under the structure of the Ministry of Defense. In case, this company undertakes an initiative to trade arms (export) it has to consult in advance with the list of countries and entities under embargo provided by the Ministry of Foreign Affairs, and also with the Ministry of Defense, National Intelligence Service. After inquires and verification of the end user the permission is given.

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

No. Albania is ready to share the information among the neighboring countries in the region and has taken all the necessary steps to assure its cooperation with other states in the field.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/al-Qa'idah sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

No specific assistance is required for the implementation of the above-mentioned sanctions regime.

26. Please include any additional information you believe pertinent.

We do consider that the Albanian legislation ensures that the requirements of resolutions 1267 (1999), 1333 (2000), 1390 (2002) and 1455 (2003) have been fully met.